

CHATHAM COMMERCIAL/RENTAL MOORINGS FAIR AND EQUITABLE MOORINGS ASSIGNMENT POLICIES

All commercial/rental moorings operators in the Town of Chatham are required to hold commercial/rental/service mooring permits and to develop and use a Fair and Equitable System for determining subsequent mooring rental assignments. Methods of Fair and Equitable mooring rental assignments include, but are not limited to, one or more of the following:

1. Date of Application
2. Physical characteristics of vessels, e.g., size and type
3. Purpose of vessel (e.g. commercial vs. recreational or public vs. private)
4. Renewal of a mooring rental assignment or issuance of mooring rental assignment to individual patrons, members or customers of the facility

The entities to which the Commercial/Rental/Service mooring permits are granted shall independently manage assignment of their respective allocations of such moorings, but shall be required to annually file a copy of their mooring assignment waiting list with the Harbormaster. In the event that an operator has no such waiting list the Harbormaster shall be so notified in writing. The harbormaster shall have the right to review a commercial/rental moorings operators' Fair and Equitable System at any time to confirm compliance with state, federal and local law.

Commercial/rental mooring operators may decline to renew a rental mooring customer's lease or contract for services, or may relocate said customer's vessel to another mooring or slip, for any commercially reasonable cause including but not limited to changes in physical characteristics or purpose of vessels with the mooring field; failure to pay outstanding invoiced debt to the facility; failure to abide by federal, state or local law or facility management policies; and unsafe or disruptive behavior regarding other boaters, facility staff, or the visiting public. As used herein, commercially reasonable cause shall not include the failure of a customer to purchase additional goods and services from commercial/rental mooring operator which were not included in the determination of the annual rental fee. A decision not to renew a mooring rental assignment shall be provided to the patron, member or customer in writing, setting forth the reason for the decision. A copy of any such decision shall be filed at the office of the Harbormaster.

Any person aggrieved by the decision of a commercial/rental mooring operator regarding a mooring rental assignment or by any condition or restriction imposed therein may appeal under the provisions of the Town of Chatham by-laws and/or the applicable provisions of the general laws of the Commonwealth. The decision of any commercial/rental mooring operator not to renew a mooring rental assignment, which decision is timely appealed under the Chatham by-laws, shall be stayed until a decision under the Chatham by-laws has been issued.

These Fair and Equitable Moorings Assignment Policies become effective July 1, 2008.

Sean Summers, Chairman

Ronald J. Bergstrom, Vice chairman

Leonard Sussman, Clerk

Florence Seldin, Selectman

David R. Whitcomb, Selectman

Approved by the Board of Selectmen April 14, 2009

Stuart F. X. Smith, Harbormaster

Adopted by the Harbormaster
